

Notice of Allowability

Application No.

09/887,081

Examiner

Steven D. Maki

Applicant(s)

MIYAMOTO ET AL.

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-30-03.
2. ☒ The allowed claim(s) is/are 1-5, 7, 14-16 and 18.
3. ☒ The drawings filed on 30 October 2003 and 25 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/147,140.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

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Examiner's Amendment

1) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Change title to:

--Method and apparatus for manufacture of laminated optical disc including defoaming adhesive--

See MPEP 606.01.

In the specification:

on page 1 lines 3 and 4 of the specification, change "U.S. Application No. 09/147,140, filed October 16, 1998" to -- U.S. Application No. 09/147,140, filed December 17, 1998, now US Patent 6,309,485--.

The above change to the continuing data corrects an obvious error and updates the continuing data. See MPEP 1302.04. With respect to the obvious error, the filing date of 09/147,140 is 12-17-98 (the date of receipt of 35 USC 371(c)(1), (c)(2) and c(4) requirements) instead of the filing date described in the declaration (the date applicant filed the specification). See MPEP 1893.03(b).

Reasons for Allowance

2) The following is an examiner's statement of reasons for allowance which supplements applicant's arguments filed 10-30-03:

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The obvious type double patenting rejections have been withdrawn because claims 6, 8-13, 17 and 19-20 have been canceled.

The prior art rejection of Europe '178 in view of Komori et al, and admitted prior art or Japan '212 has been withdrawn in view of (1) applicant's arguments on page 13 of the response filed 10-30-03 and (2) the following comments by the examiner: The admitted prior art at page 9 lines 3-8 of the specification does not describe the temperature of the adhesive (light setting resin) during removal of any introduced bubbles as being higher than the temperature of the adhesive during coating of the adhesive on the substrate. This is consistent with applicant's comment that "there appears to be no disclosure whatsoever in ... Applicant's admitted prior art ... with respect to the relative temperatures of either the defoaming tank or the adhesive source" (page 13 of response filed 10-30-03). Japan '212 fails to disclose the temperature of the UV resin during defoaming or the temperature of the UV resin when used in optical disk apparatus. See abstract of Japan '212. Komori et al discloses the temperature of hot melt adhesive during application of the hot melt adhesive to a substrate of an optical disc to be manufactured, but fails to suggest defoaming. Although Anderson teaches recycling adhesive and relative temperatures for the adhesive, Anderson fails to teach defoaming. More importantly, Anderson teaches maintaining hot melt adhesive at a relatively low temperature (except when heated in a high melt zone for adhesive application) to *avoid undesirable degradation* and thereby cannot suggest the subject matter of "the second predetermined temperature is higher than the first predetermined temperature" in claims 1, 14 and 15. The prior art of record

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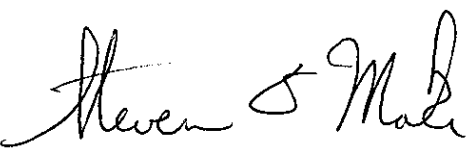
whether taken singly or in combination fails to disclose, teach or suggest modifying Europe '178, Komori et al or the admitted prior art such that "the second predetermined temperature is higher than the first predetermined temperature" as set forth in laminated optical disc manufacturing method claim 15 or so as to include the claimed defoaming tank as set forth in the laminated optical disc manufacturing apparatus of either claim 1 or claim 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Steven D. Maki
January 7, 2004


STEVEN D. MAKI
PRIMARY EXAMINER
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1-7-04